

**FIFTY-THIRD LEGISLATURE  
FIRST SESSION, 2017**

February 24, 2017

Mr. Speaker:

Your **TAXATION AND REVENUE COMMITTEE**, to whom has been referred

**HOUSE BILL 408**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 28, line 7, after the end bracket, insert "Section".
2. On pages 28 through 31, strike Section 14 in its entirety.
3. On page 41, lines 12 and 13, strike "information concerning how taxpayers are selected" and insert in lieu thereof "methods, techniques and analysis used to select taxpayers".
4. On page 41, line 17, strike Subparagraph (d) in its entirety.
5. Reletter the succeeding subparagraphs accordingly.
6. On page 43, between lines 6 and 7, insert the following new section:

"**SECTION 23.** Section 7-1-21 NMSA 1978 (being Laws 1965, Chapter 248, Section 23, as amended) is amended to read:

"7-1-21. **INSTALLMENT PAYMENTS OF TAXES--INSTALLMENT AGREEMENTS.--**

A. Whenever justified by the circumstances, the secretary or the secretary's delegate may enter into a written agreement with a taxpayer in which the taxpayer admits conclusive liability for the entire amount of taxes due and agrees to make monthly installment payments according to the terms of the agreement, but not for a period longer than [~~sixty~~] seventy-two months. No installment agreement shall prevent the accrual of interest otherwise provided by law.

B. The agreement provided for in this section is to be known as an "installment agreement". If entered into after a court

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acquires jurisdiction over the matter, the agreement shall be part of a stipulated order or judgment disposing of the case.

C. At the time of entering into an installment agreement, the secretary shall require the affected taxpayer or person to furnish security for payment of the taxes admitted to be due according to the terms of the agreement, but if the taxpayer does not provide security, the secretary shall cause a notice of lien to be filed in accordance with the provisions of Section 7-1-38 NMSA 1978, and when so filed it shall constitute a lien upon all the property or rights to property of the taxpayer in that county in the same manner as in the case of the lien provided for in Section 7-1-37 NMSA 1978.

D. An installment agreement is conclusive as to liability for payment of the amount of taxes specified therein but does not preclude the assessment of any additional tax.

E. After entering into the agreement, except in unusual circumstances as require the secretary in [~~his~~] the secretary's discretion to take further action to protect the interests of the state, no further attempts to enforce payment of the tax by levy or injunction shall be made; however, if installment payments are not made on or before the times specified in the agreement, if any other condition contained in the agreement is not met or if the taxpayer does not make payment of all other taxes for which [~~he~~] the taxpayer becomes liable as they are due, the secretary may proceed to enforce collection of the tax as if the agreement had not been made or may proceed, as provided in Section 7-1-54 NMSA 1978, against the security furnished.

F. Records of installment agreements in excess of one thousand dollars (\$1,000) shall be available for inspection by the public. The department shall keep the records for a minimum of three years from the date of the installment agreement."".

7. On page 49, line 1, strike the second occurrence of "and" and insert in lieu thereof "but".

8. Renumber sections to correspond with these amendments.

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Respectfully submitted,

\_\_\_\_\_  
Carl Trujillo, Acting Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 14 For 0 Against

Yes: 14

No: 0

Excused: Martinez, J, Trujillo, J.

Absent: None

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